

REMARKS

Summary of Office Action

Applicant's claims 1-3 and 5-12 are currently pending in the above-identified patent application.

The Examiner rejected claims 1-3 and 5-12 under 35 U.S.C. § 103(a) as being anticipated by Japanese Patent Application No. JP-2001-313701 (hereinafter "Kiumi") in view of Japanese Patent Application No. JP-2001-298523 (hereinafter "Iijima").

Applicant's Reply to the Rejection of the Claims

The Examiner rejected independent claims 1 and 9 under 35 U.S.C. § 103(a) as being anticipated by Kiumi in view of Iijima. Applicant submits the following remarks wherein the Examiner's rejections are respectfully traversed.

Applicant's claimed invention is a portable terminal. More particularly, Applicant's claimed invention is a portable terminal that provides a first housing having a display unit and a second housing having a primary input unit, wherein the first housing and the second housing are connected together at a common joint. The first and second housings are permitted to rotate about the common joint of their connection, permitting a user to switch the portable terminal's mode of operation from an open state to a closed state and vice versa.

Regardless of the mode of operation, the display unit of the first housing is continuously viewable by the user. This is reflected in independent claims 1 and 9 in the requirement that "said display unit is visible to a user in a closed state and an open state." However, portable terminal functions (e.g., e-mail, camera, web, etc.) provided on the selection screen displayed on the display unit of the first housing are altered when the portable terminal's mode of operation is switched.

The Examiner recognizes that the Kiumi reference fails to specifically disclose that “a screen on said display unit is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit when both of said housings are in a closed state, a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit when both of said housings are in an opened state, and said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device”. However, the Examiner asserted that such features are disclosed in the Iijima reference. The Applicant respectfully disagrees.

The Iijima reference recognizes a problem in a conventional folding type portable terminal in that such a folding type portable terminal must be placed in an opened state when receiving and sending a call or during an operation of e-mailing, and proposes a folding type portable terminal 1 in which a display 6 can be directed to outside so as to make the display 6 to be visible even when the portable terminal 1 is placed in a closed state (folded state), and in which a display control means (a scroll key 8) which is operable even in the closed state of the portable terminal 1 is provided, so that an operation of receiving and sending a call or an operation of e-mailing can be carried out in the closed state (folded state) of the portable terminal 1. However, Iijima does not disclose the important features of the present invention. Iijima does not disclose or suggest or suggest a mode selection image 10 displayed on the display 6, an image 20 for receiving and sending a call displayed after a mode selection, and an image 30 for e-mail operations in the opened state are the same as those in the closed state, and a switching operation of the displayed images depending on the opened state or closed state.

More specifically, in the Iijima reference, the following descriptions are found: “in a state in which the lid 5 is opened, the mode selection image 10 as shown in FIG. 4(a) is

normally displayed on the display 6 provided in the lid 5” in paragraph [0028]; “when the lid 5 is closed after the lid 5 is rotated by 180° about the second rotational axis 4b of the hinge 4, the lid 5 can be placed in a closed state while the display 6 is exposed to outside, and the mode selection image 10 is still displayed on the display 6, as shown in FIG. 3(c)” in paragraph [0034]; and “in the case of a non-audio service operation, e.g., to send an e-mail, an e-mail mode 14 is selected in the mode selection image 10 shown in FIG. 4(a)” in paragraph [0036]. According to these descriptions, in the Iijima reference, the identical mode selection image 10 is displayed on the display 6 regardless of the opened state or closed state of the portable terminal 1, i.e., a concept of switching the (mode) selection image depending of the opened state or closed state of the portable terminal is not disclosed or suggested.

Thus, as it would not have been easy for a person of ordinary skill in the art to arrive at the invention of claim 1 based on the Kiumi reference in view of the Iijima reference, the Applicant respectfully requests that the rejection of independent claim 1 under 35 U.S.C. 103(a) be withdrawn. This argument can also be applied to the invention of independent claim 9, and applicant respectfully requests that the rejection of claim 9 under 35 U.S.C. 103(a) also be withdrawn.

Dependant Claims 2-3, 5-8, and 10-12

The remaining claims at issue in this application are patentable over the cited reference based upon their dependence on claims 1 and 9, as well as on their own merit.

Conclusion

Accordingly, Applicant respectfully submits that the claimed invention as defined by independent claim 1, claims 2 through 3 and 5 through 8 which depend therefrom, and independent claim 9, and claims 10 through 12 which depend therefrom, are patentable over the cited references.

For at least the reasons set forth above, Applicant respectfully submits that this patent application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

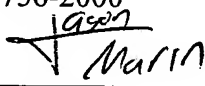
The Examiner is urged to telephone Applicant's undersigned counsel if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-58.

Respectfully submitted,

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Dated: April 10, 2008
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By: _____


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CERTIFICATE OF MAILING

Date of Deposit: April 10, 2008

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